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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,937	06/04/2002	Martin John Charles Offa-Jones	THOM-0021	4754

23377 7590 02/11/2003

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,937

Applicant(s)

OFFA-JONES, MARTIN JOHN
CHARLES

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Not. Irr. Mail*.

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DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on July 11, 2000. It is noted, however, that applicant has not filed a certified copy of the British application as required by 35 U.S.C. 119(b). Form 903 indicates that a copy of the British application has not been received. In accordance with MPEP 1893.03(c):

If applicant has not forwarded a certified copy of the priority application in time for the International Bureau to forward it to the U.S. Designated Office with the copy of the international application, then applicant will have to provide a certified copy of the priority document during the national stage to fulfill the requirement of 37 CFR 1.55(a)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kapperman et al. (US 6004032).

Kapperman et al. (figure 11) teaches a reclosable fastener comprising a male/female 152, 154 closure between a pair of opposed base members secured to package walls 156, 158 respectively, wherein a single flange extends upwardly from the female member 154 and is inherently capable of being used for attachment of the closure to a web or film through the statement that the female profile 154 is secured to a package wall 158 (col. 9, lines 44-45). There are no flanges extending from either side of the base of the male member 152. The web or film is not claimed in combination.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boeckmann et al. (US 4733778).

Boeckmann et al. (figures 1-3) teaches a reclosable fastener comprising a male/female 24, 20 closure between a pair of opposed base members, wherein a single flange extends from the base member 12 of the female member to the right as shown in figures 2 and 3. While the device is not used by securing the flange to a web or film, the web or film is not claimed in combination and the device of Boeckmann et al. is inherently capable of being secured to web or film material by the laterally extending flange if so desired.

Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Parniske et al. (US 6026761).

Parniske et al. (figures 2, 3) teaches reclosable fastener comprising a male/female 44, 20 closure between a pair of opposed base members, wherein a single flange for attachment of the closure to a web or film 15 is provided on one only of the

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two base members. The flange is attached to the male element 44 and extends to the left as shown in figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapperman et al. (US 6004032) in view of Bentsen (US 4673383).

Kapperman et al. (figure 11) teaches a reclosable fastener comprising a male/female 152, 154 closure between a pair of opposed base members secured to package walls 156, 158 respectively, wherein a single flange extends upwardly from the female member 154 and is inherently capable of being used for attachment of the closure to a web or film through the statement that the female profile 154 is secured to a package wall 158 (col. 9, lines 44-45). There are no flanges extending from either side of the base of the male member 152. The difference is that ribs are not stated as being used to secure the base member to the web or film. However, Bentsen (figures 1, 2) teaches reclosable closure structure with a flange extending to the right on the upper member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along

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the width of the closure. It would have been obvious to modify the closure of Kapperman et al. so that ribs are used to secure the base member to the web or film in view of Bentsen (figures 1, 2) teaching reclosable closure structure with a flange extending to the right on the upper member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along the width of the closure. As to claim 4, Bentsen suggests placing the ribs at the margins of the base members as shown in figure 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kapperman et al. (US 6004032) in view of Bentsen (US 4673383) as applied to claim 3 above, and further in view of Custer et al. (US 5216787).

Further modification of the closure of Kapperman et al. such that sealant material is co-extruded on to each rib as shown by Bentsen would have in view of Custer et al. (figure 3) teaching that it is desirable to do so in order to have a intermediate ribs 325 between the closure and adhesive ribs that act as a tie material to better match the material of the closure to that of the adhesive wherein it is desirable to have the materials co-extruded so that there is a stronger securement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Martinez et al. (US 5566429), Custer et al. (US

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5242516), Yeager (US 5902047), Van Erden et al. (US 5747126), Matthews (US 6154934), and Bodolay et al. (US 5601368) teach pertinent closure structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
February 6, 2003

Application/Control Number 101070,937
Art Unit _____

Attachment to Paper No. 6

Notice Regarding Treatment of Irradiated Correspondence

The following papers have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process:

Mailroom Stamp Date

Certificate of Mailing Date

7/8/02

6/7/02

The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.